

**STATEMENT OF BASIS (AI No. 151832)**

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0123480 to discharge to waters of the State of Louisiana.

**THE APPLICANT IS:** Sid's Seafood, LLC  
Holly Marie's Seafood Market and The Frozen Factory  
4831 Hwy 1  
Raceland, LA 70394

**ISSUING OFFICE:** Louisiana Department of Environmental Quality (LDEQ)  
Office of Environmental Services  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

**PREPARED BY:** Maxon Graham  
**Revised By:** Kelli Hamilton

**DATE PREPARED:** January 16, 2008

**1. PERMIT STATUS****A. Reason For Permit Action:**

First time issuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

**B. LPDES permit -** LPDES permit effective date: N/A  
LPDES permit expiration date: N/A  
EPA has not retained enforcement authority.

**C. Date Application Received:** November 19, 2007

**2. FACILITY INFORMATION****A. FACILITY TYPE/ACTIVITY - Seafood Market and Snow-ball stand**

This facility is open year round. During the months of January to May they are open 7 days a week and from June to December they are open 4 days a week. This facility receives seafood and boils it for resale (crawfish, crabs and shrimp). The floor is washed/rinsed twice a day without detergents or soaps. Floor washdown and boiling tank water is discharged through a floor drain at the rear of the building and is not sent through the treatment plant. Sanitary wastewater from bathrooms at the facility is discharged through a sanitary treatment plant. The snowball stand discharges only treated sanitary wastewater through the shared STP.

**B. FEE RATE**

1. Fee Rating Facility Type: minor
2. Complexity Type: I
3. Wastewater Type: II
4. SIC code: 5812 and 2092

**C. LOCATION -** 4831 Hwy 1 and 4829 Hwy 1 in Raceland, Lafourche Parish  
Latitude 29° 41' 41", Longitude 90° 31' 53"

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### 3. OUTFALL INFORMATION

#### Outfall 001

Discharge Type: treated sanitary wastewater  
 Treatment: sanitary treatment plant  
 Location: at the point of discharge from the treatment system prior to combining with other waters  
 Flow: 100 gpd  
 Discharge Route: local drainage to Bayou Lafourche

#### Outfall 002

Discharge Type: seafood boiling pot water, floor washdown wastewater  
 Treatment: none  
 Location: at the point of discharge from the floor drain pipe prior to combining with other waters  
 Flow: 250 gpd  
 Discharge Route: local drainage to Bayou Lafourche

### 4. RECEIVING WATERS

STREAM – Bayou Des Allemands – from US-90 to Lake Salvador (Scenic)

BASIN AND SEGMENT - Barataria Basin, Segment 020301

DESIGNATED USES -

- a. primary contact recreation
- b. secondary contact recreation
- c. propagation of fish and wildlife
- g. outstanding natural resources \*

\* **Outstanding Natural Resource Water** is listed as a designated use of subsegment 020301 (Bayou Des Allemands - from US-90 to Lake Salvador (Scenic)). However, this designated use is applicable only if the discharge is directly into the named waterbody and not into a tributary or distributary of the waterbody per LAC 33:IX.1111.G.

### 5. TMDL STATUS

Subsegment 020301, Bayou Des Allemands - from US-90 to Lake Salvador (Scenic), is not listed on LDEQ's Final 2004 303(d) list as impaired. However, subsegment 020301 was previously listed as impaired for organic enrichment/low DO, nitrate/nitrite, and phosphorus for which the below TMDL has been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to the established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

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The following TMDL has been established for subsegment 020301:

*BAYOU DES ALLEMANDS WATERSHED TMDL FOR BIOCHEMICAL OXYGEN-DEMANDING SUBSTANCES* was final on July 30, 2004. A total of five NPDES permits were identified for point source discharges within subsegment 020301. Because none of these facilities discharged directly into Bayou des Allemands, they were not included in the model. This subsegment was listed as impaired due to nutrients as well as organic enrichment/low DO. This TMDL establishes load limitations for oxygen-demanding substances and goals for reduction of those pollutants. LDEQ's position, as supported by the ruling in the lawsuit regarding water quality criteria for nutrients (*Sierra Club v. Givens*, 710 So.2d 249 (La. App. 1st Cir. 1997), writ denied, 705 So.2d 1106 (La. 1998)), is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. LAC 33:IX.2707.C.f.iii allows the establishment of effluent limitations based on an indicator parameter for the pollutant of concern. LDEQ's consistent approach to controlling nutrients where the WQMP does not otherwise require specific nutrient limitations is achieved by limiting the discharge of oxygen-demanding substances through a BOD<sub>5</sub> limitation. Compliance with the BOD<sub>5</sub> limitation as the indicator parameter will result in the control of nutrients from the discharge sufficient to attain and maintain the applicable water quality standard. Effluent monitoring of the indicator parameter as conducted by the permittee in accordance with the Facility Specific Requirements of the permit in addition to LDEQ's ambient water quality monitoring program will allow for further evaluation by the Department to determine the effectiveness of the limitation. The reopener clause located in the Other Conditions of the final permit allows the Department to modify or revoke and reissue the permit if the limitations as set on the indicator parameter are shown to no longer attain and maintain applicable water quality standards. Dissolved oxygen will be controlled by the BOD<sub>5</sub> and TOC limit in this permit.

## 6. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale below.

## 7. COMPLIANCE HISTORY/COMMENTS

- A. Compliance History: No records of compliance actions were found.  
B. DMR Review/Excursions: No DMR data were available for review since this is a first time issuance.

## 8. ENDANGERED SPECIES

The receiving waterbody, Subsegment 020301 of the Barataria Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated October 24, 2007 from Boggs (FWS) to Brown (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

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## **9. HISTORIC SITES**

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

## **10. TENTATIVE DETERMINATION**

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

## **11. PUBLIC NOTICES**

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

## **12. STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT**

An SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water shall not be required to obtain and LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 2092 are considered to have storm water discharges associated with industrial activity.

The SWP3 shall be prepared, implemented, and maintained within (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in the storm water discharges associated with industrial activity at the facility (see Narrative Requirements for the AI).

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### Rationale for Sid's Seafood, LLC

#### 1. Outfall 001 – treated sanitary wastewater (estimated flow < 500 gpd)

Parameter	Limitation		Reference
	Monthly Average	Weekly Average	
BOD <sub>5</sub>	---	45 mg/L	LAG530000; similar discharges
Fecal Coliform Colonies/100 mL	---	400	LAG530000; similar discharges
Oil and Grease	---	15 mg/L	LAG530000; similar discharges
Flow	---	Report	LAG530000; similar discharges
TSS	---	45 mg/L	LAG530000; similar discharges
pH – Allowable Range (su)	6.0 (min)	9.0 (max)	LAG530000; similar discharges

**Treatment:** mechanical treatment plant with aeration

**Monitoring Frequency:** semiannually at the point of discharge from the sewage treatment plant prior to mixing with waters of the state.

**Limits Justification:** limits and monitoring frequencies are based on BPJ, current guidance for similar discharges from other industrial facilities, and the Class I Sanitary General Permit, LAG530000 effective December 1, 2007. Oil and Grease parameter has been placed in the permit due to food preparation at the facility.

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**2. Outfall 002** - boiling pot water, floor washdown water (estimated flow is 250 gpd)

Parameter	Limitation		Reference
	Monthly Average	Daily Maximum	
Flow (GPD)	Report	Report	LAG480000; similar discharges
TSS	Report	Report	similar discharges, BPJ
BOD <sub>5</sub>	Report	Report	similar discharges; BPJ
TOC	---	50 mg/L	LAG480000; similar discharges
Oil and Grease	---	15 mg/L	LAG480000; similar discharges
Oil and Grease (Visual Sheen)	---	No Presence	LAG480000; similar discharges
pH – Allowable Range (s.u.)	6.0 (Min)	9.0 (Max)	LAG480000; similar discharges

**Treatment:** None

**Monitoring Frequency:** Quarterly at the point of discharge from the floor drainage system at the rear of the building.

**Limits Justification:** Limits and monitoring frequencies are based on BPJ, current guidance for similar discharges from other facilities, and the Light Commercial General Permit, LAG480000 effective August 1, 2001. For facilities discharging small amounts of seafood boiling water, report only requirements for BOD<sub>5</sub> and TSS have been placed in the permit as per BPJ and existing permits for similar facilities. Accumulated data will be used to assess the potential problems associated with discharges of this type. After sufficient information has been collected a determination of the appropriate parameters and limitations will be made for these types of discharges.

BPJ      Best Professional Judgment  
 SU      Standard Units

**NOTE**

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.